

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 19369 of 2003

Between:

- 1 V. Madhavi, W/o. R. Gopala Krishna, Sri Balasiva Girls High School, Mydukur, Cuddapah District.
- 2 S. Krishnaveni, W/o. Tirumala Giri, Sri Balasiva Girls High School, Mydukur, Cuddapah District.
- 3 S. Obaiah, S/o. S. Obaiah, Sri Balasiva Girls High School, Mydukur, Cuddapah District.
- 4 B. Vijaya Kumari, W/o. P. Ramesh Babu, Sri Balasiva Girls High School, Mydukur, Cuddapah District.

..... PETITIONERS

AND

- 1 Govt. of A.P., rep. by its Secretary, Education Department, Secretariat Buildings, Hyderabad.
- 2 The Commissioner and Director of School Education, Hyderabad
- 3 The Regional Joint Director of School Education, Cuddapah.
- 4 The District Educational Officer, Cuddapah.
- 5 Sri Balasiva Girls High School, Mydukur, Cuddapah District, rep. by its Correspondent.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 3 in not approving the proposals of the respondents 4 and 5 dated 28-9-2002 whereunder approval of the appointments of the petitioners as B.Ed., Assistants was sought, as illegal, improper, and unjust and further declare that the appointments of the petitioners as B.Ed., Assistants in the fifth respondent High School are deemed to have been approved under Rule 12 (8) framed under G.O.Ms.No. 1, Education, dated 1-1-1994 and further declare that the petitioners are entitled for the salaries with effect from 5-10-2002 as per G.O.Ms.No. 21, Education, dated 28-4-1999.

Counsel for the Petitioner:MR.B.SOBHANA RAO NAIDU & Sri P. GANGAIAH NAIDU

Counsel for the Respondent No.: GP FOR SCHOOL EDUCATION

The Court made the following :

ORDER:

Heard Mr. P. Gangaiah Naidu, learned senior counsel for the petitioners and the learned Government Pleader for School Education.

Petitioners herein had filed this writ petition for a writ of Mandamus declaring the action of the respondents 1 to 3 in not approving the proposals of the respondents 4 and 5 dated 28-9-2002 whereunder approval of the appointments of the petitioners as B.Ed., Assistants was sought, as illegal, improper, and unjust and further declare that the appointments of the petitioners as B.Ed., Assistants in the fifth respondent High School are deemed to have been approved under Rule 12 (8) framed under G.O.Ms.No. 1, Education, dated 1-1-1994 and further declare that the petitioners are entitled for the salaries with effect from 5-10-2002 as per G.O.Ms.No. 21, Education, dated 28-4-1999.

During the course of arguments, it is submitted that under similar situation, a division bench of this court, as per its order in W.A.Nos. 604 and 950 of 1999 dated 23.11.1999 allowed similar such relief in respect of such persons who are placed in same circumstances.

Following the same, the writ petition is allowed. The

respondents are directed to release the salary of the petitioners who are entitled in accordance with law. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this order. No costs.

9.3.2005

CVM

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday the ninth day of March, Two thousand and five.

REGISTRAR

To,

- 1 Govt. of A.P., rep. by its Secretary, Education Department, Secretariat Buildings, Hyderabad.**
- 2 The Commissioner and Director of School Education, Hyderabad**
- 3 The Regional Joint Director of School Education, Cuddapah.**
- 4 The District Educational Officer, Cuddapah.**
- 5 2 CCs to G.P. for School Education, High court buildings, Hyderabad (OUT)**
- 6 2 CD copies.**

